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Atlanta City Council

Regular Session

MULTIPLE 03-O-2148,03-O-2147,03-O-2230,03-O-0319,
04-O-0320,04-O-0321,04-O-0322,04-O-0330
FILE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 2
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	E Fauver	Y Martin	E Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

MULTIPLE

AN ORDINANCE

BY COUNCILMEMBER ANNE FAUVER

04-0 -0322

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I, SECTION 10-1 OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA SO AS TO AMEND THE DEFINITION OF "NIGHTCLUB" CONTAINED WITHIN SAID SECTION; TO ADD A DEFINITION FOR "BAR" AS A NEW CATEGORY OF LICENSED ESTABLISHMENT FOR CONSUMPTION ON PREMISES; TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES SO AS TO PROVIDE FOR PAYMENT OF FEES BY CERTIFIED FUNDS; TO AMEND SECTION 10-48 TO PRESCRIBE A NEW PROCESS FOR APPLYING FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City Council adopted Ordinance Number 03-O-2149 to provide that licenses for the sale of alcoholic beverages be granted during the calendar year 2004 effective only for the period of January 1, 2004 through March 31, 2004 to allow for a comprehensive review of the City's alcohol licensing code; and

WHEREAS, the Public Safety/Legal Administration Committee of the Atlanta City Council formed a task force, known as the Alcohol Technical Advisory Group (ATAG), to undertake the review of the alcohol licensing code; and

WHEREAS, ATAG has completed a review of several areas of the alcohol licensing code and recommends approval of this ordinance; and

WHEREAS, the City of Atlanta currently provides several categories of licenses for sale of alcoholic beverages for consumption on premises, including restaurant and nightclub; and

WHEREAS, in order to sell alcohol on Sundays, pursuant to O.C.G.A. § 3-3-7 a "restaurant" must derive at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; and

WHEREAS, the definition of "nightclub" requires minimum seating capacity of 100 persons and requires that the establishment provide "a band or other professional entertainment a minimum of 20 days per month, each and every month;" and

WHEREAS, many licensees do not wish to operate a licensed establishment with professional entertainment but do not have greater than 50% of their sales in food; and

WHEREAS, the City wishes to amend the definition of “nightclub” to address these concerns; and

WHEREAS, the City further wishes to add an additional category of licensed establishment to be called a “Bar” that is smaller than a nightclub but does not meet the 50% food sales requirement of a restaurant; and

WHEREAS, many neighborhoods, applicants, members of the Department of Planning and Neighborhood Conservation, members of the Licenses and Permits Unit of the Atlanta Police Department and members of the License Review Board do not believe that the application process set forth in the Code at Section 10-48 adequately addresses their needs or functions efficiently in reviewing applications for alcoholic beverage licenses; and

WHEREAS, under the current process for granting alcohol licenses, on many occasions applicants for liquor licenses appear before Neighborhood Planning Units (NPUs) long before they have actually filed an application for a license; and

WHEREAS, neighborhood representatives often address questions to the applicant for a liquor license at an NPU meeting that would have been answered in the application filed with the Licenses and Permits Unit had such application been filed; and

WHEREAS, many NPUs were desirous of receiving the actual application, or a portion thereof, filed with Licenses and Permits Unit, and of having the applicant come before the NPU already having filed that application; and

WHEREAS, there have been instances in which an alcoholic beverages license was issued or renewed and the licensee proceeded to open, operate and sell alcoholic beverages despite the fact that the check with which it paid for its license failed to clear; and

WHEREAS, the City wishes to require alcoholic beverage licenses to be paid for by certified or cashier’s check in order to assure prompt payment and prompt identification of those who have failed to pay for their alcoholic beverage license.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

That Chapter 10, Article I, Section 10-1, the current paragraph and definition for the term “Nightclub” which currently states:

Nightclub means an establishment having a seating capacity of at least 100 persons with all booths and tables being unobstructed and open to view and providing a band or other professional entertainment a minimum of 20 days per month, each and every month, with the exception of holidays, vacations and periods of redecorating. The principal business of a nightclub shall be entertaining, and the serving of distilled spirits shall be incidental thereto.

Be amended to delete the current language and to insert in lieu thereof the following language:

Nightclub means an establishment having a capacity of at least 100 persons as per the City of Atlanta Fire Code, with all booths and tables unobstructed and open to view, dispensing liquor and in which music, dancing or entertainment is conducted. All such establishments shall be equipped with air condition. The principal business of a nightclub shall be entertaining, and the serving of distilled spirits shall be incidental thereto.

Section 3.

That Chapter 10, Article I, Section 10-1 be amended to add a new paragraph and definition for the term "Bar" which shall read:

Bar means an establishment having a minimum capacity of 25 persons, and a maximum capacity of 100 persons per the City of Atlanta Fire Code that does not meet the definition of a restaurant, nightclub, lounge, farm winery, hotel, brewpub, open air café or sidewalk café, that is primarily devoted to selling and dispensing alcoholic beverages by the drink for on-premises consumption. The Bar must make food available to its patrons.

Section 4.

That Chapter 10, Article II, Division 2, Section 10-46 be amended to delete the current language and to insert in lieu thereof the following language:

No alcoholic beverages shall be manufactured, imported, brokered, sold to wholesalers or other importers or brokers, sold at wholesale or retail in the original package or by the drink nor shall any bottle house or tasting room be operated except under a license granted by the mayor as provided in this division. No licensee shall be authorized to operate a business until the license required in this section has been paid for **by certified check or cashier's check**, and delivered to the licensee by the proper city official. Where there is a pending application for a new licensee or a change of ownership

on a prior existing licensed premises, the authority of the prior licensee to operate the business shall be extended for a maximum period of 30 days beyond the termination date of the prior license.

Section 5:

That Chapter 10, Article II, Division 2, Section 10-61 be amended to delete the current language and to insert in lieu thereof the following language:

Section 10-61. Date for payment of license fees; prorated fees.

All annual license fees under this division shall be paid in advance **by certified check or cashier's check** on or before January 1 of each year. Any person granted a new license under this division during a calendar year shall pay the full license fee without proration, except that the fee for a new license granted after June 30 in any calendar year shall be 50 percent of the annual license fees for the remainder of that calendar year.

Section 6.

That Chapter 10, Article II, Division 2, Section 10-67(a) be amended to delete the current language and to insert in lieu thereof the following language:

(a) All licenses required under this division must be obtained and fees paid **by certified check or cashier's check** not later than 30 days from the date of the approval of the application by the mayor, and if not so obtained, the license granted by the mayor shall be void.

Section 7.

That Chapter 10, Article II, Division 2, Section 10-48 be amended to delete the current language and to insert in lieu thereof the following language:

Sec. 10-48. Application.

(a) All persons desiring to obtain a license required under this division shall make written application to the Licenses and Permits Unit of the Atlanta Police Department for that privilege upon forms approved by the License Review Board. The application shall consist of two sections. Section 1 of the application will be used by the Licenses and Permits Unit, the License Review Board and the relevant Neighborhood Planning Unit (NPU). Section 2 of the license application will be used only by the Licenses and Permits Unit and the License Review Board for confidential investigation. The applicant shall complete the application and file it with the Licenses and Permits Unit along with all required supporting

04-0-0322

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BY: COUNCILMEMBER ANNE FAUVER

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ORDINANCES, CITY OF ATLANTA, GEORGIA SO

AS TO AMEND THE DEFINITION OF "NIGHTCLUB"

CONTAINED WITHIN SAID SECTION; TO ADD

A DEFINITION FOR "BAR" AS A NEW CATEGORY

OF LICENSED ESTABLISHMENT FOR CONSUMPTION

ON PREMISES; TO AMEND CHAPTER 10 OF THE

CODE OF ORDINANCES SO AS TO PROVIDE FOR

PAYMENT OF FEES BY CERTIFIED FUNDS; TO

AMEND SECTION 10-48 TO PRESCRIBE A NEW

PROCESS FOR APPLYING FOR A LICENSE TO

SELL ALCOHOLIC BEVERAGES; AND FOR OTHER

PURPOSES.

FILED BY
CITY COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

02-16-04

Referred To:

Public Safety & Legal Affairs

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd☐ 1st & 2nd☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

MAR 01 2004

MAYOR'S ACTION